THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 917 of 2005

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JUDMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenge in this appeal is as to the correctness of the order passed by a learned single Judge of this Court dated 31-03-2005 in W.P.No.6443 of 2005.

Factual position in a nutshell is as follows:

Basing on the findings of the scrutiny committee, the social status certificate of the appellant had been cancelled by the Collector and District Magistrate *vide* proceedings dated 18.08.2003. Questioning the said proceedings, the appellant preferred W.P.No.20763 of 2003 and filed WPMP seeking suspension of the order of the District Collector. Accordingly, on 25.9.2003 an interim order was granted as prayed for. Subsequently, the 2nd respondent, *vide* order dated 21.3.2005 in Ref.No.RPDO1/W-1417, terminated the services of the appellant. Hence, the writ petition.

Combating the allegations made in the writ petition, the respondents filed a counter-affidavit, wherein, interalia, it has been stated that the termination orders have been passed as a consequence of the action of the statutory authority viz., the District Collector in canceling the caste certificate and they have acted in accordance with law. The Government informed the respondents that it had examined the stay petition and no stay was granted. But, the appeal was taken on file and it is still pending. The appellant had informed the respondents for the first time about filing of the writ petition and extension of stay order passed by this Court only after serving the copy of the order of termination dated 21.03.2005. Therefore, there is no violation of statutory provision and the writ petition is liable to be dismissed.

The learned single Judge after considering the entire material on record and having heard the rival contentions on either side, set aside the impugned proceedings while making it clear that the appellant shall be continued till the date of superannuation i.e., , 31.03.2005. But, it is further observed that after retirement, he is not entitled for any retiremental benefits till the issue is resolved by the statutory appellate authority and the 2nd respondent is at liberty to take appropriate decision in accordance with law after the disposal of the appeal, which is pending before the Government.

We have heard the learned counsel on either side.

Perused the entire material available on record and the order impugned.

The contention of the learned counsel for the appellant is that even though the learned single Judge has set aside the termination order passed by the 2nd respondent, the appellant did not receive the retiremental benefits.

It is submitted by the learned counsel for the respondents that they have paid the salary for the month of March, 2005.

In view of the fact that a statutory appeal is pending before the Government and the issue involved in this appeal cannot be adjudicated at this stage, We do not want to interfere with the reasoned order passed by the learned single Judge, and therefore, the writ appeal is liable to be dismissed.

However, in the facts and circumstances of the case, directing the authorities concerned, before whom the appeal is pending, to dispose of the same, within a period of three months in accordance with law, would meet the ends of justice.

Accordingly, the writ appeal is dismissed. However, the authorities concerned are directed to dispose of the appeal pending before them, within a period of three months in accordance with law.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

25.07.2005

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